

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 2021 be amended to read as follows:

- 1 Page 1, between lines 13 and 14, begin a new paragraph and
- 2 insert: "SECTION 2. IC 9-30-4-6 IS AMENDED TO READ AS
- 3 FOLLOWS: Sec. 6. (a) Whenever the bureau suspends or revokes the
- 4 current driver's license upon receiving a record of the conviction of a
- 5 person for any offense under the motor vehicle laws not enumerated
- 6 under subsection (b), the bureau ~~may~~ **shall** also suspend any of the
- 7 certificates of registration and license plates issued for any motor
- 8 vehicle registered in the name of the person so convicted. ~~However, the~~
- 9 ~~bureau may not suspend the evidence of registration, unless otherwise~~
- 10 ~~required by law; if the person has given or gives and maintains during~~
- 11 ~~the three (3) years following the date of suspension or revocation proof~~
- 12 ~~of financial responsibility in the future in the manner specified in this~~
- 13 ~~section.~~
- 14 (b) The bureau shall suspend or revoke without notice or hearing
- 15 the current driver's license and all certificates of registration and
- 16 license plates issued or registered in the name of a person who is
- 17 convicted of any of the following:
- 18 (1) Manslaughter or reckless homicide resulting from the
- 19 operation of a motor vehicle.
- 20 (2) Perjury or knowingly making a false affidavit to the
- 21 department under this chapter or any other law requiring the
- 22 registration of motor vehicles or regulating motor vehicle
- 23 operation upon the highways.
- 24 (3) A felony under Indiana motor vehicle laws or felony in the
- 25 commission of which a motor vehicle is used.
- 26 (4) Three (3) charges of criminal recklessness involving the use

1 of a motor vehicle within the preceding twelve (12) months.
2 (5) Failure to stop and give information or assistance or failure
3 to stop and disclose the person's identity at the scene of an
4 accident that has resulted in death, personal injury, or property
5 damage in excess of two hundred dollars (\$200).
6 (6) Possession, distribution, manufacture, cultivation, transfer,
7 use, or sale of a controlled substance or counterfeit substance, or
8 attempting or conspiring to possess, distribute, manufacture,
9 cultivate, transfer, use, or sell a controlled substance or
10 counterfeit substance.

11 (c) The license of a person shall also be suspended upon
12 conviction in another jurisdiction for any offense described in
13 subsections (b)(1), (b)(2), (b)(3), (b)(4), and (b)(5), except if property
14 damage is less than two hundred dollars (\$200), the bureau may
15 determine whether the driver's license and certificates of registration
16 and license plates shall be suspended or revoked. The license of a
17 person shall also be suspended upon conviction in another jurisdiction
18 for any offense described in subsection (b)(6).

19 (d) A suspension or revocation remains in effect and a new or
20 renewal license may not be issued to the person and a motor vehicle
21 may not be registered in the name of the person as follows:

22 (1) Except as provided in subdivisions (2) and (3), for six (6)
23 months from the date of conviction or on the date on which the
24 person is otherwise eligible for a license, whichever is later.
25 Except as provided in IC 35-48-4-15, this includes a person
26 convicted of a crime for which the person's license is suspended
27 or revoked under subsection (b)(6).

28 (2) Upon conviction of an offense described in subsection (b)(1),
29 for a fixed period of not less than two (2) years and not more
30 than five (5) years, to be fixed by the bureau based upon
31 recommendation of the court entering a conviction. A new or
32 reinstated license may not be issued to the person unless that
33 person, within the three (3) years following the expiration of the
34 suspension or revocation, gives and maintains in force at all
35 times during the effective period of a new or reinstated license
36 proof of financial responsibility in the future in the manner
37 specified in this chapter. However, the liability of the insurance
38 carrier under a motor vehicle liability policy that is furnished for
39 proof of financial responsibility in the future as set out in this
40 chapter becomes absolute whenever loss or damage covered by
41 the policy occurs, and the satisfaction by the insured of a final
42 judgment for loss or damage is not a condition precedent to the
43 right or obligation of the carrier to make payment on account of
44 loss or damage, but the insurance carrier has the right to settle a
45 claim covered by the policy. If the settlement is made in good
46 faith, the amount shall be deductive from the limits of liability
47 specified in the policy. A policy may not be canceled or annulled
48 with respect to a loss or damage by an agreement between the
49 carrier and the insured after the insured has become responsible
50 for the loss or damage, and a cancellation or annulment is void.
51 The policy may provide that the insured or any other person

covered by the policy shall reimburse the insurance carrier for payment made on account of any loss or damage claim or suit involving a breach of the terms, provisions, or conditions of the policy. If the policy provides for limits in excess of the limits specified in this chapter, the insurance carrier may plead against any plaintiff, with respect to the amount of the excess limits of liability, any defenses that the carrier may be entitled to plead against the insured. The policy may further provide for prorating of the insurance with other applicable valid and collectible insurance. An action does not lie against the insurance carrier by or on behalf of any claimant under the policy until a final judgment has been obtained after actual trial by or on behalf of any claimant under the policy.

(3) For the period ordered by a court under IC 35-48-4-15.

(e) The bureau may take action as required in this section upon receiving satisfactory evidence of a conviction of a person in another state.

(f) For the purpose of this chapter, "conviction" includes any of the following:

(1) A conviction upon a plea of guilty.

(2) A determination of guilt by a jury or court, even if:

(A) no sentence is imposed; or

(B) a sentence is suspended.

(3) A forfeiture of bail, bond, or collateral deposited to secure the defendant's appearance for trial, unless the forfeiture is vacated.

(4) A payment of money as a penalty or as costs in accordance with an agreement between a moving traffic violator and a traffic violations bureau.

(g) A suspension or revocation under this section or under IC 9-25-6-8 stands pending appeal of the conviction to a higher court and may be set aside or modified only upon the receipt by the bureau of the certificate of the court reversing or modifying the judgment that the cause has been reversed or modified. However, if the suspension or revocation follows a conviction in a court of no record in Indiana, the suspension or revocation is stayed pending appeal of the conviction to a court of record.

(h) A person aggrieved by an order or act of the bureau under this section or IC 9-25-6-8 may file a petition for a court review."

Renumber all SECTIONS consecutively.

(Reference is to HB2021 as printed March 2, 1999.)

Representative YOUNG M